

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 31792 of 2007(I)

PETITIONER:

P.T.ANIYAN KUNJU, S/O THOMAS,
AGED 42 YEARS, PUTHUVETIL,
AJIN NIVAS, KUTTAMBALAM VILLAGE,
COLLECTORATE P.O, KOTTAYAM TALUK.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:

1. DEPUTY TAHSILDAR(R.R.),
KOTTAYAM.
2. THE VILLAGE OFFICER,
PANACHIKAD, KOTTAYAM.
3. THE REGISTRAR,
SUB REGISTRAR OFFICE,
PUTHUPPALI.
4. V.K.KURIYAN, AGED 42 YEARS,
S/O V.V.KURIYAN, VADASSERIYIL HOUSE,
KOLLADU P.O.KOTTAYAM-I.
5. V.K.ALEXANDER, S/O V.V.KURIYAN,
VADASSERIYIL HOUSE, KOLLADU P.O.,
KOTTAYAM-1.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 31792/2007

Dated this the 21st day of November, 2007

JUDGMENT

The grievance of the petitioner is regarding the refusal of the third respondent to register a document executed on the basis of Ext.P1 agreement. It is stated that it was on account of revenue recovery proceedings in respect of the property in question that the third respondent refused to register the document. According to the petitioner, liability that is sought to be enforced against the property has already been realised and even if any balance amount is due to be realised, petitioner is willing to pay the same to the revenue authorities.

2. I heard the learned counsel for the petitioner and the learned Government Pleader.

3. If as a matter of fact, the liability that is sought to be enforced has already been recovered in full, there is no reason to decline registration of the document. If it is factually correct, I don't see any reason to refuse

registration of the document. Petitioner may satisfy the revenue recovery authorities in this regard, and if he is correct, a clearance certificate shall be issued and on the basis of which the third respondent shall register the document. However if any amount is still due, for that also, if the petitioner is willing to pay the same in full, it will be open to the petitioner to make payment of the same and thereafter obtain a clearance certificate, on the basis of which registration can be effected.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrCS